AMENDMENTS

In the Claims:

Please **cancel** Claims 3 and 12

Please **amend** Claims 1, 6, 10, 15, 19, 24, and 28 by substituting the following:

1.   (Amended)   A communication device comprising:

a transfer rate estimator which estimates transfer rate of media data other than digital audio data before transmission in accordance with a communication rate of a communication network;

a data amount controller which controls the amount of the digital audio data to be transmitted in accordance with the transfer rate estimated by said transfer rate estimator; and

a transmitter which transmits the audio data whose data amount is controlled by said data amount controller, the media data other than the audio data, and data amount information indicating data amount of the audio data controlled by said data amount controller.

6.   (Amended)   A communication device comprising:

a receiver which receives audio data and data amount information indicating data amount of the audio data that has been controlled;

a data amount restorer which restores the controlled data amount of the audio data to original data amount with reference to the data amount information; and

a reproduction indicator which indicates reproduction of the audio data whose data amount is restored by said data amount restorer.

10. (Amended) A communication method comprising the steps of:

(a) estimating transfer rate of media data other than digital audio data before transmission in accordance with a communication rate of a communication network;

(b) controlling data amount of the digital audio data to be transmitted in accordance with the estimated transfer rate; and

(c) transmitting the audio data whose data amount is controlled by said step (b), the media data other than the audio data, and data amount information indicating data amount of the audio data controlled by said step (b).

15. (Amended) A communication method comprising the steps of:

(a) receiving audio data and data amount information indicating data amount of the audio data that has been controlled;

(b) restoring the controlled data amount of the audio data to original data amount with reference to the data amount information; and

(c) indicating reproduction of the audio data whose data amount is restored by said step (b).

19. (Amended) A recording medium storing a program which causes a computer to execute the steps of:

(a) estimating transfer rate of media data other than digital audio data before transmission in accordance with a communication rate of a communication network;

(b) controlling data amount of the digital audio data to be transmitted in accordance with the estimated transfer rate; and

(c) transmitting the audio data whose data amount is controlled by said step (b), the media data other than the audio data, and data amount information indicating data amount of the audio data controlled by said step (b).

24. (Amended)   A recording medium storing a program which causes a computer to execute the steps of:

(a) receiving audio data and data amount information indicating data amount of the audio data that has been controlled;

(b) restoring the data amount of the audio data to original data amount with reference to the data amount information; and

(c) indicating reproduction of the audio data whose data amount is restored by said step (b).

28. (Amended)   A communication device comprising:

transfer rate estimation means for estimating transfer rate of media data other than digital audio data before transmission in accordance with a communication rate of a communication network;

data amount controlling means for controlling data amount of the digital audio data to be transmitted in accordance with the transfer rate estimated by said transfer rate estimator; and

transmission means for transmitting the audio data whose data amount is controlled by said data amount controlling means, the media data other than the audio data, and data amount information indicating data amount of the audio data controlled by said data amount controlling means.